REMARKS

In the *final* Office Action, dated May 26, 2004, the Examiner has rejected claims 1 and 4-53. By the present amendment, applicants have amended claims 1, 4, 20, 31 and 42. After the present amendment, claims 1 and 4-54 are pending in the present application. Reconsideration and allowance of pending claims 1 and 4-54 in view of the following remarks are respectfully requested.

A. Rejection of Claims 1 and 4-53 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1 and 4-53 under 35 U.S.C. § 102(e), as being anticipated by Lumpkin, et al. (USPN 5,943,505) ("Lumpkin").

In response to applicants' arguments that Lumpkin fails to disclose, teach or suggest "said command information for controlling telephone line operations of said modem", as in claim 4, the Examiner states that Lumpkin shows that the DMA commands control the data transmitted or received over the telephone lines connecting the modem and the network. As such, the Examiner interprets the DMA commands of Lumpkin to be controlling telephone line operations of the modem or the datapump.

Applicants would like to appreciate the Examiner's time for the discussion between the Examiner and the undersigned regarding the disclosure of Lumpkin and the proposed amendments submitted by applicants to claims 1 and 4, as shown above. As discussed with the Examiner, independent claims 1, 4, 20, 31 and 42 have been amended to clarify that the command information that is executed for controlling the telephone line operations of the modem includes modem commands such as a command to call a telephone number or a command to

answer an incoming call, which are sharply different than memory interface commands of Lumpkin.

Applicants respectfully submit that the present application supports the amendments to independent claims 1, 4, 20, 31 and 42. As stated in the background section of the present application, "the microcontroller units (MCUs) were added to modems, and many of the configuration and control functions previously performed by other systems were assumed by the MCU, such as initiating a call, dialing a number, recognizing busy tones, and the like." (Page 1, lines 18-21.) The present application further goes on to explain that:

> The addition of the MCU, however, did not eliminate the need for the host computer to direct the modem operations. Modems typically cannot determine which telephone number to call, whether to answer an incoming call, which data transfer speed may be desired, and many other parameters; the host computer directs these functions via commands sent to the modem. (Page 2, lines 1-4.)

In conventional modems, data information and command information are transmitted over the same channel and the MCU must switch to command mode in order to process commands. The present application describes two methods of switching to command mode for processing modem commands, such as detecting an escape sequence "+++" with guard time in the data information to switch to command mode and process the incoming data as command information or using an alternative method for detecting "+++" known as Timing Independent Escape Sequence or TIES. The present application further describes the modem commands as conventional "AT" commands, which are well known in the art. One of ordinary skill in the art understands that a basic "AT" command set includes a dial command ("ATD") or an answer command ("ATA"), which can command the modem to dial a telephone number or answer an incoming call, respectively.

As explained by the present application, the command mode detection of conventional modems for switching to command mode and processing modem commands is undesirable, and the present application describes a solution where modem commands can be processed without a need to detect special sequences for switching from data mode to command mode.

Accordingly, the present application supports that modem commands include a command to call a telephone number or a command to answer an incoming call, as described on pages 1-2 of the present application, and provides a patentably distinguishable solution for processing modem commands without a need to detect special sequences for switching from data mode to command mode. Further, the detailed description of the present application also describes that "Information may be stored in the mailbox interface 46 by the host computer 22 and the MCU 26 to transmit instructions and messages, for example ... dialing control information." (Page 10, lines 20-22.) Also, the present application distinguishes the modem command processing of present invention over the conventional methods, as follows:

> The MCU 26 automatically processes any information received via command logical channels as command information. Consequently, the MCU 26 may detect command information without analyzing each character in the data stream, like the TIES system, or wait two seconds before and after the transmission of an escape sequence, like the Heatherington approach. Thus, multi-channel command information, message information, and data may be transferred over a single physical interface and allows the MCU 26 to perform other tasks instead of repeatedly checking each data character for the presence of an escape sequence. (Page 15, lines 1-7.)

Applicants respectfully submit that Lumpkin describes the processing of DMA interface commands, as opposed to independent claims 1, 4, 20, 31 and 42, which relate to processing modem commands, such as well-known "AT" commands, that include a command to call a telephone number or a command to answer an incoming call. As discussed and agreed upon with

the Examiner, Lumpkin fails to disclose, teach or suggest "executing said command information for controlling telephone line operations of said modem, wherein said command information for controlling telephone line operations of said modem includes a command to call a telephone number or a command to answer an incoming call."

Accordingly, independent claims 1, 4, 20, 31 and 42 and their respective dependent claims are distinguishable over the cited references of record, and should be allowed.

B. Rejection of Claim 54 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 54 under 35 U.S.C. § 103(a), as being unpatentable over Lumpkin in view of Johnson, et al. (USPN 5,001,703) ("Johnson"). Applicants respectfully submit that claim 54 depends from claim 4 and should be allowed at least for the same reasons stated above in conjunction with patentability of claim 4.

C. **Conclusion**

For all the foregoing reasons, an early allowance of claims 1 and 4-54 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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